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TRANSLATIONS ON WESTERN EUROPE
(FOUO 33/79)

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COUNTRY SECTION

COUNTRY SECTION FRANCE

MITTERRAND STRENGTHENS GRIP ON PSF

Paris VAIEURS ACTUELLES in French 16 Apr 79 pp 26-27

[Article by Andre Lesueur: "Mitterrand's Balancing Act"]

[Text] Francois Mitterrand is still absolute monarch: Wednesday he named to head the Socialist Party a national secretariat completely devoted to him. This puts him in a position to meet all eventualities: European, legislative, presidential. But he's not completely king: having obtained only 47 percent of the congress' mandate, his power base has been eroded.

Wednesday the first logical result of the congress: the new committee director of the Socialist Party ratified the nominations of the national secretariat. First and foremost were the "sabras" who for the past six months have deployed all their energies to defend Mitterrand. Lionel Jospin is taking the foreign affairs sector, but actually he has become second in command of the PS, taking on first secretary in the interim. Laurent Fabius has been named press secretary, a way of ensuring his presence on radio and television. Paul Quiles will be contact person for the federations, that is, the provincial organization, a role until now taken by Mermaz. The only crack in these closed ranks is a seat for a partisan of Mauroy, Michel Pezet, a young Marseille lawyer. Too, seats have been reserved for a possible rally of Ceres.

But if he has strengthened his power in Metz, Mitterrand has lost a part of his legitimacy. Yesterday a candidate by unanimity, he is now, with a mandate of 47 percent, leader of the party's largest minority. For 15 years active in rallying the socialists to unity, last Sunday he seemed to be the principal instrument of the chasm dividing the PS.

Thus he seems to have wasted the triumph which had been promised by federation votes (more than 40 percent in his favor), and that in three days.

First day: the atmosphere was set by the previous weeks' federation vote. Mitterrand triumphant, Mauroy disturbed, Rocard resigned to minority status. The objective of the Mitterandists is precise: the motion of the first secretary being the most legitimate to be voted, it is around this that the synthesis must be made.

Mauroy is at his lowest point, now is the moment to break him, they said.

Support for Mauroy appeared indecisive. Pas-de-Calais was leaning towards Rocard, la Gironde, la Loire-Atlantique and Haute Pyrenees towards Mitterand.

Second day: The turning point, brought to a head by a vehement outburst from Laurent Fabius, deputy from Seine-Maritime and the young hope of Mitterand. He attacked Rocard in terms so vivid that the room split: the ovations of one side replying to the boos of the other. During lunch, Rocard and Mauroy came to an agreement. This outburst strengthened their convictions: play to the crowd.

Their speakers set to work appealing for synthesis, in opposition to Fabius, thus setting up the ovation which Mauroy's exhortation to unity received.

The latter has reentered the fray; not only are his troops no longer threatened with dispersal but he is assured of the support of a third of the votes from Bouches-de-Rhone.

Mitterrand then can choose between two positions only: Again be the unifier of the Socialist Party, which the assembly seemed to demand--but that would tie him up in the future--or make elbow room for himself at the price of division in the PS. And the latter is the path he took.

"Yes, I want socialist unity, but only on clear-cut lines," he said.

Third day: Mitterrand has at his command a potential 47 percent of the votes (with Defferre). Point of honor: he wanted more than 50 percent. He didn't get it. Pierret and Wolf (leaders of a dissident trend in Ceres) refused posts in the national secretariat which had been offered in exchange for their 3.5 percent. Ceres would not agree to support him unconditionally, that is without entry to the secretariat.

To sum up: Mitterrand retains control of the party, but of a party already prey to centrifugal forces where "parallel apparats" will proliferate.

In current opinion there is no doubt that Mitterrand's side has come up: a recently published poll testifies to that. But the phenomenon is perhaps allied to the hability of his recent television presentations.

As for Rocard, he can have greater freedom of expression in his Socialist Party minority than in the majority where the obligations of unity--even if little respected--constitute a brake.

"In six months we meet again," say some. According to them, the Socialist Party must choose its candidate for the presidential elections before the deadline set by Mitterrand (autumn 1980).

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COUNTRY SECTION FRANCE

MILITARY AIR TRAFFIC DIRECTOR INTERVIEWED

Paris AIR & COSMOS in French 28 Apr 79 pp 29-31

[Interview of General Leon Martin, director of military air traffic, by Jean de Galard: "'Ten Types of Military Missions Require the Protection of a Specific Volume of Air Space'; an interview with the director of military air traffic on the occasion of EXENTIA [interarmy training exercise] 79"; date and place not given; insets are placed first in the translation]

[Text] In the summer and fall of 1978, when the air traffic controllers' demands and their effects on summer civilian air traffic were in the news, AIR ET COSMOS was naturally impelled to interview in succession Mr Roger Machenaud, director of air navigation since June 1978, and Mr Philippe de Maistre, air space deputy since December 1971. Mr Machenaud was questioned about improving the conditions of air traffic control; Mr de Maistre, about the organization of air traffic control in France and the advantages of good management of space (cf AIR ET COSMOS Nos 736 & 741).

At a time when, in western France, the largest interservice training exercise of the postwar period is taking place and causing temporarily a very high level of military air activity, we thought it would be interesting to interview General Martin, director of military air traffic since 1976. He tells of the cooperation involved in such exercises and answers pertinent questions. His last answer is not the least interesting.

Consideration of Contradictory Demands

The personnel of the three services have one primary mission: defense of the nation against any form of invasion and aggression.

For Air Force combat pilots, as we saw during the EXENTIA maneuvers, this mission calls for peacetime operations training involving missions comparable to those that would be carried out in wartime.

But in 1979 this requirement conflicts with two others: the limitation of public nuisance (in this respect, the guidelines are strict) and the ever-increasing air-space needs of civilian traffic.

These contradictory requirements must be reconciled every day. All during the various military exercises that we were able to follow, it became apparent to us that a realistic operation is an indissoluble whole that cannot be broken down into elementary phases and succeeds or fails in a matter of seconds. Any mission of this type that is interrupted for avoidance is a mission lost. The Air Force is not rich enough to lose a mission because the air space was lacking at the last minute for the mission to be completed. For everyone involved, that gives food for thought. (Jean de Galard)

Staffing and Organization of DIRCAM (Military Air Traffic Control)

The truly interservice character of DIRCAM is shown in its organization and the distribution of its personnel.

DIRCAM includes, under the authority of a general officer of the Air Force, an Air Force colonel, who is the adjutant director, an Army colonel and a line captain who are, respectively, Army and Navy adjutants. A lieutenant colonel (Air Force) is assigned to the Eurocontrol general staff.

In the exercise of his functions, the DIRCAM general has an interservice general staff; the chief of staff has three divisions under him that are individually responsible for organization and planning (D1), operations and regulations (D2), and aeronautical information (D3).

The DIRCAM staff numbers 106: 89 Air Force (26 officers, 41 non-commissioned officers, and 22 men), 7 Navy (3 officers, 4 noncoms), 4 Army (2 officers, 2 noncoms), and 6 civilians. Some 49 work in Taverny, and 57 work at Orly, where the D3 division is located. This division has the highest number of personnel. The D2 division is especially concerned with requests from NOTAM [expansion unknown], most of which come from the Army; it employs 14 people, as does D1. DIRCAM includes 8 noncoms from the women's branch of the Air Force.

Short List of Abbreviations and Expressions Used in the Text

CAG: general air traffic
CAM: military air traffic
CER: reception attempt traffic
CEV: trial flight center
COM: military operations traffic
CRG: Regional Management Committee, a specialized collegial organization in charge of the current management of regional air space. There are four: North, Northeast, Southeast, Southwest.
DCC: Civilian Coordination Detachment
DEA: Air Space Delegation
Directory: in the Air Space Delegation, the deputy, the director of CAM and the air navigation director make up a Directory presided over by the delegate. It is the preferred organization of joint action between the administrations of Defense and Transportation, respectively.

DIRCAM: Military Air Traffic Control
DMC: Military Coordination Detachment
DNA: Air Navigation Control
S"RIDA: a system of processing and presenting air defense information (military system)
CAUTRA: Automatic Air Traffic Coordinator (civilian system)
UA: upper air-space airway

[Question] The EXENTIA 79 exercise that is taking place this week in the west of France involves military air activity that is higher than normal. It gives a good illustration of the necessity for close cooperation between civilians and the military in matters of air traffic, in both preparation and execution. How is this cooperation being done, under the circumstances?

[Answer] Of course, an interservice exercise of the scope of EXENTIA cannot be improvised.

Every year in June, DIRCAM gives the Directory of Air Space the program of the most important air exercises planned for the following year. Information about the choice of zones and dates of the exercises may be included.

When agreement is reached on these two points, coordination takes place at the level of the organization responsible for air traffic during the exercise in question.

This coordination takes several forms. Generally, the air space affected by the exercise must be reorganized temporarily in view of the military activities that are being planned. The particular conditions of use of this air space must also be defined so that the exercise can take place under good conditions and so that the objective can also be attained without endangering other activities and that other users will be penalized as little as possible. To do this, we are usually generous in allowing use time and air lanes for general air traffic.

Finally, if need be, we have to plan for the installation of a military air traffic control, which will coordinate with CAG in the exercise zones.

In the particular case of EXENTIA 79, for example, Air Force air traffic control equipment was installed at the civilian airports of Rennes Saint Jacques and Saint Nazaire Montoir.

It should be emphasized that EXENTIA, in lower air space, and DATEX, essentially in upper air space, are the two main annual air exercises (although the last EXENTIA was held in 1976). They last, respectively, 5 and 2 days (DATEX lasted 3 days in 1977), and their dates, which are proposed by the armed services, obviously fall outside of the periods of heavy civilian air traffic. DATEX 79 took place on 3-4 April.

[Question] What justifies the existence of DIRCAM in 1979?

[Answer] For my part, I see at least three reasons. First, the existence of two types of traffic--general air traffic and military air traffic--that are controlled by distinct but coordinated systems. Next, the great number of organizations in the Defense ministry that are concerned with air space use: all Air Force, Army, Navy and Test Flight units whose activities affect the use of air space. Finally, the very diverse nature and forms of the missions undertaken by the three services and by the CEV.

In the Defense ministry I think it is appropriate to have a specialized organization that can deal with questions of coordination and compatibility with the CAG for military air traffic in general, particularly in the areas of organizing and using air space, and that can also set the rules for the CAM and establish and distribute the documentation and informaton necessary for this traffic.

That is, essentially, the role of the director of Military Air Traffic and his interservice general staff (editor's note: see "Staffing and Organization of DIRCAM"). This role has its function mainly in the Directory in cooperation with the director of Air Navigation and under the chairmanship of the air space delegate.

[Question] What are the Air Force's particular needs concerning the occupation of air space?

[Answer] My answer may surprise you. In any case, your question does give me the chance to mention that DIRCAM has established in detail the air space needs of the units belonging to the Defense ministry. These needs have been evaluated with the concurrence of the high commands of the three services and the CEV. A series of patient and very thorough studies resulted in a document quite helpful to all who have to deal with the problems of regulating air space. That is why this document has been sent, of course, to the organizations concerned.

Without going into details, I can tell you that it falls into two parts. The first part analyzes the 10 types of missions requiring a volume of specific protection: air defense, acrobatics, blind flying, shooting, navigation and very low alititude attack, anti-submarine operations, supersonic bombing with in-flight refueling, tactical transport with air drops, test-flying prototypes, flying in formation and maneuvering.

The second part deals with the protection volumes necessary for the activities of the various units; these volumes are classified with an indication of how long they need to be used.

This document has three characteristics that I would like to mention. For one, it was intentionally limited to those missions for which it was appropriate to plan for particular volumes of protection; thus, it ignores the flights that can be made with normal, regulation spacing with other flights.

It also states the armed services' concern that they be able to use a relatively large number of zones spread over the country with a generally low occupation rate. This concern has two motives: first, to limit public nuisance and to spread around those that are unavoidable, and, second, to train pilots in the most diversified geographical environments and to maintain balanced training among the personnel of the various control centers.

Finally, it emphasizes that most of the present zones are too small for air defense missions and that it is imperative to reserve air space for the maneuvers of modern combat planes in order to protect these missions as they take place.

Zones large enough for general air defense missions are presently located over the sea and are far from Air Force bases. The economic penalities resulting from this situation are obvious: missions last longer and units have to be temporarily detached from the bases where they are stationed.

For example, supersonic interception in upper air space requires a "protection cylinder" 70 nautical miles in diameter.

Even though I have not gone into detail here concerning the "Air Force's particular needs concerning the occupation of air space," to repeat your question, I think it is good to know--at a time when the armed services are often criticized for misusing large volumes of air space--that the services have managed to draw up a very precise budget of the space and time required based on a qualitative and quantitative analysis of the activity being undertaken.

Finally, may I add that the document in question, which is necessarily subject to change, has already facilitated use studies of air-space volumes associated with military airports.

[Question] How do you conceive of the unified management of air space?

[Answer] First, let me observe that at all levels the structures in charge of this management are operational and doing their jobs; the Directory, the CRG, the COZ's and the DCC's are all eager to achieve good results.

I think we ought to try to respect as much as possible the following principle: "Give the user only the space he needs, when he needs it."

This principle has led the Zone Operations Centers--COZ's, in our jargon--to divide their respective zones into subsectors so they can free up more easily one or more parts of the air space they control. Under the circumstances, the results they have achieved have benefited the CAG, especially in the North zone.

True, one might always wish for more and freer general air traffic, but we still must not forget that the military air controllers are responsible at all times for preventing collisions between the planes they control and all others. Under the circumstances, they seem to me to be best situated to understand what is possible and what is not.

What we ought to ask ourselves about management is: "How can it be improved?"

I think progress will be made in upper air space through the planning of flights and missions. This will make it possible to keep the amount of traffic accepted from exceeding the capacities of the air traffic control systems. It will also make it possible to coordinate the different types of traffic by keeping the periods of high CAM and CAG activity from coinciding, to take one example.

But it must be said that planning puts restrictions on time. It must find just compensation in better use of air space; i.e. for the CAG, it must yield more direct routes and, for the CAM, the temporary allocation of larger zones.

Lower air space is divided up into many zones for various activities, and it would be appropriate to eliminate as much as possible the inconvenience caused by this fragmentation. To do this, information on the state of zone use must be improved. DIRCAM has made some proposals to the Directory on this matter with regard to zones allocated to Defense ministry sections.

[Question] What improvements do you think have been made by the Regional Management Committees since the first one was set up in the Southeast in Feburary 1973?

[Answer] If I may make a judgment, I will say that the four CRG's established by the air-space deputy have distinguished themselves by making noticeable improvements.

They have done so first by what has often been called "cleaning up air space," i.e. by examining the various categories of regulated or dangerous zones to make sure their existence is justified and, if so, to limit their volume and operational time to the necessary minimum.

They have done so in the second place by studying the different needs expressed by the various administrations: creating or extending controlled air spaces (airways, terminal control areas), combat zones, etc. Some of these studies have proved to be very complex and have taken a lot of time, perseverance and conciliation.

For example, we can thank the Northeast CRG for solving the problem of crowding in air traffic in the upper air space in the Luxeuil area by doubling up on UA24. And the Southeast CRG perfected what is now called the "big pinwheel" that improved the service at Marignane.

In both these cases, I would like to point out that the solutions reached by the CRG's were made possible largely by the Air Force's understanding and receptivity; in the first instance, the Air Force agreed to reduce its combat zones, and, in the second, it agreed to move eastward its Air School training zone.

Beyond the improvements in structure and air-space management attributable to the CRG's, we must emphasize that these committees make dialogues possible for the representatives of the two administrations. The mutual esteem arising from these dialogues and cooperation on difficult problems will prove ever more fruitful, I am sure, in future operations.

[Question] What do you have to say about "mixedness"?

[Answer] You have to understand. By mixedness, we may mean either that the tasks of a center are made common, a control center being manned by civilian as well as military personnel, or the common siting of CAM and CAG sectors manned by military and civilian controllers, respectively.

What is happening now?

As far as traffic in the air is concerned, controlling is usually done by different centers: regional control centers for general air traffic, detection and control centers for military operations traffic. Coordination between the two is done by a Military Control Detachment (DMC) in the civilian centers and by a Civilian Coordination Detachment (DCC) in the military centers with STRIDA-CAUTRA computer hookups.

As far as military airport traffic is concerned, mixedness exists only in the form of commonalization where necessary; for example, when the military airports are very near civilian airports (Roissy-Creil) ou when an Air Force unit uses a civilian platform (Bordeaux, Clermont-Ferrand).

[Question] What about the Marignane case, in particular? A written question was recently submitted to the National Assembly to the attention of the minister of Transportation.

[Answer] That is a different problem. The presence of a military controller in the Marignane tower is a result of the forthcoming implementation of the "big pinwheel" that I mentioned earlier. This is a temporary measure, and a civilian controller will go to Salon to work beside military controllers as soon as certain technical problems have been solved, especially the projection of radar images and ground to ground hookups.

The existence of this organization first military and then civilian is especially intended to eliminate, at least in part, the inconvenience caused the Air School in moving its training zone eastward.

To come back to the general problem of mixedness, I would say that the armed services do not make it a philosophy or a principle and that they do not seek it out in any case. They simply consider it as a practical measure sometimes applied temporarily as a function of local needs in order to control the various

civilian and military activities under the best conditions of security and efficiency.'

[Question] In a written question addressed to the minister of Transportation Deputy Pierre Bas asks, among other things, whether measures have been taken "so that in cases of conflict the distressing experiences undergone by vacationers in French airports in 1978 would not happen again in 1979." To my knowledge, a very clear directive exists, called RAC 7, which regulates the "means of replacement in case of prevention of civilian air traffic service," but under the circumstances it could not so far be considered as codifying a sort of "minimum service," like what television watchers are well aware of now. After all, why not plan such a shifting of responsibility between the two administrations concerned?

[Answer] There actually exist a certain number of measures intended to enable to exercise its essential responsibilities in the area of air traffic under unusual circumstances.

RAC 7, as you said, gives all the information concerning these measures. It can be noted that these are restrictive and in no way constitute what has been called a takeover plan of civilian air traffic by the military; they are simply intended to control a limited number of priority movements.

Particular measures might guarantee the flow of a number of movements that might be called a "minimum," by analogy with the expression you used, and if these measures were studied some day in the ministry of Transportation, I think I can say that the Air Force would not be displeased to be rid of the task of imposing constraints.

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COUNTRY SECTION ITALY

MILITARY LAND EASEMENT LAW ANALYZED

Rome RIVISTA MILITARE in Italian No 6, Nov-Dec 78 pp 57-62

[Article by Col Michele de Leo and Lt Col Angelo Iannotti: "Military Land Ownership Conditions"]

[Text] Military landownership conditions or easements constitute an expression which, down through the passage of time, taking us back to the Middle Ages, has come to contain a good portion of the passions, interests, complaints, and resentments of all those who for any reason whatsoever had anything to do with the military. This problem is at the focus of debates conducted by politicians, sociologists, economists, ecologists, urban affairs experts, and administrators in the course of polemics which range from the small-town environment all the way to the national scene.

The fact is that "military easement" means only this: the imposition of certain bans or limitations on private properties situated in the immediate vicinity of certain military installations. This therefore has nothing to do with the military presence, pure and simple, and with the utilization of domanial [public] land.

This is an old institution (some of its traces take us back to Roman days), regulated by laws which are in force in almost all countries of the world with relation to the principle according to which national defense constitutes the outstanding concern that prevails over all others and in whose face the requirements of private individuals or communities can also be restricted.

These limitations obviously are felt mostly in areas where the military presence is most accentuated, such as in border regions; but the problem of the past 10 years has also involved the entire country, a part of whose territory (in the case of the army, 0.2 percent) is connected with military land easements; this is connected of course with a greater awareness of civil rights, lesser sensitivity for the requirements of national defense, a greater sense of security and a rejection of war, and an ever clearer possibility of using this topic as an instrument of political struggle.

It is an exclusively territorial phenomenon therefore but it also assumes social significance since it involves the freedom of the individual and

the group, conditioning their initiative, influencing the ecological aspect, modifying in the long run the social behavior of all those who are concerned.

No investigation as a matter of fact has so far been conducted to ascertain the real interference deriving from military easements on the social-economic development of the areas in which they are imposed. There have also been people who maintained that there is no relationship whatsoever between the presence of easements and the lack of growth; there have been people who described the positive effects of this (here we might think of the countryside as such, the only coastal and hill areas that are still all in one in piece are those connected to...); there have been people who have also derived major advantages although indirect ones from all this, that is to say, advantages deriving from the presence of the military (here we might think of the considerable economic contributions to the various localities and communities where we have military barracks and training areas or the permanent organization put up by the military establishment in order adequately to cope with emergency situations, such as the earthquakes in Friuli).

Thus, military easements have both their positive and negative aspects; they constitute a phenomenon which produces effects of many kinds, which yet can be expressed quantitatively through an investigation, certainly a difficult thing, but from which one must exclude any partisan approach.

Historical-Legal Evolution

The literal translation of the French term "servitudes militaires" [military easements, land ownership conditions], was introduced as an expression in Italy during the Napoleonic period, it was spelled out in the standards of the Albertine Statute and it was preserved to this day in numerous laws that have been passed in order to regulate the bans and limitations which military authorities may impose on parts of national territory when it comes to safeguarding the functional capacity and integrity of the training, operational, and logistics facilities which are needed almost always to guarantee the security of the population in the vicinity of ammunition dumps, training areas, etc.[1].

A law passed in 1859 and the Single Text of 1900 regulated the entire matter until 1931-1932, when the entire subject was revised in a negative sense for landowners.

There were two fundamental laws that were passed during that time:

Law No 886, dated 1 June 1931, on the property ownership system in areas of military importance (see Graph A); Law No 1849, dated 20 December 1932, on the amendment of the Single Text of Laws on Military Easements.

Both of these laws firmly rule out any compensation:

Limitations on property rights were extended, from fortifications and buildings containing explosives (as provided for in earlier laws) to all "military structures of any kind whatsoever needed for the defense of the state," such as land boundaries, firing ranges, proving grounds, airfields, emergency landing grounds, etc.;

The criterion was introduced according to which "in case of emergency" one could also impose easements through the simple issue of a manifesto (rather than a royal decree) and the appropriate minister would rule on any possible damage claims by landowners involved;

Much broader power was given to the military authorities throughout the national territory and particularly in areas of communities that were declared to be of military importance; here, military commanders could authorize or block the execution of activities of various kinds (railroading, mining, electrical, maritime, etc.) by private individuals and government agencies.

In summary, the legislative branch at that time considered preeminent the requirements of national defense with respect to those of the local economy and made no attempts to reconcile the former with the rights of the landowners.

The entry into force of the Republican Constitution did not change the substance of the content of earlier legislation which remained almost unaltered until 1968 also because of the inertia of the political forces and the lack of interest on the part of legal and administrative doctrine.

The debate on damage caused by military easement and landownership conditions however did not fail to materialize and it kept growing as a matter of fact at the beginning of the sixties, stimulated by public opinion which was not always tolerant in the Italian regions that were most directly involved.

The "economic miracle," mass culture, and consumerism led to the progressive blurring of traditional values (fatherland, national defense, etc.) so much so that the scope of military limitations gradually began to be emphasized above all in border regions and that people began to demand damage compensation from the government[2].

In substance, what counted now seemed to be the problem arising from the failure to provide compensation for damage suffered.

In 1966, the Constitutional Court addressed itself to the problem and declared Article 3, Law 1849 of 1932, unconstitutional "since it does not provide for compensations on restrictions of private property of an expropriative nature"[3].

The Constitutional Court thus held that military easements involved a burden on private property so as to constitute a kind of act of expropriation although not completely eliminating the content of the landowner's rights.

Thus, any easement imposed in this fashion had to be adequately compensated for.

To fill the gap discovered by the Constitutional Court, Law No 180 was passed on 8 March 1968, containing the substance of many bills submitted by various political parties.

Three of the innovations introduced in the law were most significant:

Compensation for owners of land affected by military easements;

The obligation however to proceed to an initial review of easements imposed at the end of a period of three years from the date of entry into force of the law;

The obligation to perform a review, every 5 years, of military easements by the Ministry of Defense to make sure that they were still necessary or to determine whether they could be abolished, even partly.

The law however does not take care of the problem in a satisfactory and final manner because compensation is not considered adequate for the real loss of value of assets subjected to such easements. Thus the debate, carried on by the farmers and the "labor attaches" quickly spread to ever vaster population strata, promoted by the action of local and national political forces (who sometimes perhaps pushed it for their own purposes) and press campaigns conducted above all in regions most heavily affected by the problem, also because the provision of the law, calling for the payment of compensation, to a great extent remained a dead letter.

A phase of acute challenge which lasted until 1974 was followed by a process of in-depth development of problems commonly shared by the military and the civilians during which the new law, which was to see the light of day at the end of 1976, finally took shape.

In 1975, the army, as part of its reorganization, had submitted to a general objective revision of easements around certain installations and, through emergency procedures, released about 18,000 hectares of land, especially in the regions of Friuli-Venezia Giulia, Veneto and Trentino-Alto Adige.

This step was received everywhere with great satisfaction and helped tone the polemic down after it had taken on the appearance of open violation of laws in force also by the constituted authorities ("assault" mayors who refused to forward tax documentation to their own administrators; police chiefs who simply let people responsible for violations go; parish priests who from the altar inveighed against the "annoying" military establishment).

The New Law

The new law, whose text constitutes the summary of numerous proposals drafted by various political parties, after a lengthy procedure through parliament,

was finally approved on 24 December 1976 and was published in the GAZZETTA UFFICIALE DELLA REPUBBLICA on 11 January 1977 under No 898 and under the title "New Regulation on Military Easements."

It contains numerous innovative aspects and, also in the light of past experience, can be considered among the most modern and "open" laws both with respect to the earlier ones and with regard to those in force in other European countries. As a matter of fact:

It provides for the establishment of permanent consultation bodies between civilians and the military on the administrative region level, called "mixed parity committees"[4];

It decentralizes to the territorial commands (similar to the relationship between the central government and the regions) authority in the matter of imposition, revision, confirmation, modification, or revocation of military easements;

It innovates the forms of publicity for the constraints (through manifestoes and no longer through individually addressed letters);

It simplifies the procedures for the payment of compensation (upon simple request of the parties involved);

It raises the indemnification criteria which can attain a maximum equal to the real estate earnings of the land involved;

It establishes a contribution also for the communities--equal to half of the total amount of the compensation due the owners of the land located in the communities as such--recognizing these military easements as a possible obstacle to the development of the communities;

It establishes a time limit for the validity of easements (5 years, renewable);

It simplifies the earlier procedures (of imposition, publication, payment, etc.).

It reduces areas categorized as "militarily important" to one-tenth;

It rules out the possibility of imposition through emergency proceedings (and it therefore limits the powers of military authorities).

Specifically, what are the military installations around which private property must be subjected to limitations?

They are listed as follows in Article 1 of the law: permanent and semipermanent defense, signaling, and coastal reconnaissance [recognition] works and installations; naval bases, airfields; radar and radio facilities and installations; establishments where military equipment or dangerous substances

are manufactured, handled, or stored; proving grounds and firing ranges. Beyond them, no other military facility may introduce limitations upon private individuals.

The limitations, according to Article 2, may consist in a ban on piling up earth or other material; building raised pipelines or canals; putting in pipelines or canals with a depth of more than 50 centimeters; opening or making excavations of any kind; installing electrical machinery or apparatus and communications centers; put up plantations and agricultural operations which are to be determined through regulations; build roads; put up walls or buildings; raise the height of existing walls or buildings; use certain materials in construction work.

It appears obvious that, for each type of military facility, a certain number of restrictions has been selected among those established by law. The guide for this selection is furnished by the attached technical norms which are in the nature of reservations and which also spell out the criteria for reducing the burdens on private property to the minimum, graduating them in terms of number or depth.

These obviously involve bans and limitations which interfere with the full exercise of the property right on the part of private individuals and which therefore also involve the community. This is precisely why the legislative branch thought that it had to compensate for damage caused, allocating adequate indemnity not only to the owners of the 1,000 square kilometers of land subjected to easements but also to the communities involved.

The law provides--although to a very reduced degree with respect to the earlier one (Graph B)--also a second type of easement, consisting in the need for obtaining military authorization prior to putting up certain structures or projects throughout national territory, with particular emphasis on some communities in the provinces of Udine, Gorizia, and Trieste and sections of the coast that are of military importance[5].

In spite of this, a quick look at the situation of some neighboring countries, allied countries characterized by social-economic conditions similar to those of Italy, will show us that the Italian law is among the most liberal and modern.

French legislation as a matter of fact substantially remained the same for more than a century; it guided the Italian legislative branch during the first period of legislation. The basic principle behind the French standards is the absence of almost any compensation for the owners of the assets involved.

We have a substantially similar situation in Beligum where, among other things, there is an absolute ban on building around fortified places, within a radius of about 600 meters.

In Germany, the complex of very severe standards in force since 1956 has been updated through the new federal law on the "limitation of the rights of landownership for purposes of military defense." It calls for compensation and makes no reference to the kind of military facilities (fortifications, supply dumps, etc.), nor to the surrounding areas, but more generally establishes "protection zones" in which property rights are limited for purposes of national defense and to adhere also to the obligations assumed by the FRG under international agreements concerning the stationing of foreign troops on its territory. In the protected areas, there are many different kinds of possible constraints; they range from the ban on building or wrecking or modifying the land or the subsoil all the way to the ban on photographing or drawing the areas involved. But it must be emphasized that the West German defense ministry, before defining a protection zone, must contact the federal state involved (and the latter must contact the appropriate community) although it is possible afterward to disregard any possible disagreement on the part of those agencies.

Effects of Military Easements

At this point we must seek to spell out the "burden" upon private individuals and communities, that is to say, the effects deriving from military easements, as the most visible consequence of the presence of military installations in the regions that are most significant from the strategic viewpoint, especially those that constitute "restricted areas."

In those regions, as a matter of fact, "the men in khaki constitute a significant element in local life" and their presence, their training, their life leads to the rise of those operational, training, and logistics facilities around which the law provides for the imposition of military easements.

The latter in turn have repercussions on urban planning which must also be adapted to this type of restriction, in addition to those imposed by the civilian administrations (fine arts, etc.).

By hindering building construction, these military easements discourage the subdivision of the land; this is harmful to private individuals but certainly does present benefits for the communities since it prevents the indiscriminate spread of housing construction.

The farmers perhaps were the first to challenge military easements through their own organizations; this is perfectly understandable if we consider the fact that the farmer is most directly and immediately affected by these prohibitions. Military maneuvers--many of which involve private land due to the absence of government-owned firing ranges--can damage roads and fields, can leave unexploded shells behind, can lead to the closing of access roads and the removal of houses and pastures. But it is necessary to tackle the problem of areas where military exercises must be concentrated, as the law provides, with an open mind.

As Strassoldo notes, "the military are quite welcome as people who spend money, who rent housing, and who marry the local girls but they are less welcome in their career quality as soldiers."

But to view the problem in its proper perspective, we must remember that these military easements constitute a break only on a kind of "disorderly, chaotic, atomized, and individualist development" because well-arranged and realistic expansion plans can be carried out quite well on the 99.7 percent of national territory that is free of any military restrictions.

As far as the tourist sector is concerned, we can summarize the effects deriving from military easements as follows: the military establishment does take some areas away from tourist utilization and those are among the most beautiful; the coincidence of training camps with the tourist season causes crowding and disturbances. These accusations are now being revised since contact between civilians and military personnel out in nature, that is to say, within the scope of the mixed parity committees established by the new law, are getting more and more frequent in the search for solutions that will satisfy everybody.

Concerning the damage suffered by the communities, it must be noted that, although it is difficult to establish the "burdensome" effect of easements upon individuals, we encounter even bigger difficulties in isolating the social consequences.

People who have been thinking about this issue feel that there is real damage to the community or the group; they believe that because of the absence of the "multiplying effect" which the individual potentials could produce if they were not subjected to these military easements. And this is why parliament, by law, has established compensation for communities in whose territory there are military easements that constitute a burden upon individuals.

Conclusions

The problem of military easements springs from two conflicting requirements: the general requirement for national defense, as expressed by the armed forces; the particular requirement concerning the full exercise of property rights over assets in possession, to which title is held by individuals and local groups.

Constantly and indiscriminately accusing military easements means challenging the very existence of the military establishment, as determined by the Republican Constitution, which has the mission of being efficient and which therefore must supply itself and train itself in order to be able to accomplish the missions assigned to it by law[6]--in other words, military facilities (posts and bases, firing ranges, supply dumps, fortifications, etc.), with all that is connected with them. In particular, the availability of training areas and firing ranges determines the efficiency of the various units--on

which we spend hundred of billions of lire each year--so that, if we were to abolish or reduce a firing range, we must at the same time reduce or eliminate a certain number of detachments. There is therefore no justification for the biased and impulsive opposition to legitimate maneuvers or firing range exercises carried out by military detachments at a moment when there are too many others who use weapons and explosives and at the same time inflict damage upon the country.

Although it has existed for centuries, the problem emerged only during the last decade due to the increased scientific interest in the military establishment and the objectives involved in military easements.

Nobody has as yet demonstrated the existence of a causal link between military easements and the depression of areas in which they are imposed; all those who talked about this issue or who wrote about it always pointed to military easements as the cause of all waste, especially on the local level. In other words, they have turned it into an "ideological" instrument through which they could condemn the military presence in general (except to move backward in the case of the effective closing of military garrisons).

The moment therefore seems to have come to end the "ideological" phase and to get down to specifics.

In the future it will be necessary, within the spirit of the new law, to determine for which military structure we need further military easements, and to what extent, said easements to be imposed with a view to safeguarding the three factors of interest involved: "the factor of the defense of the national territory, which is up to the government; the factor of rational utilization of the land, which is up to the regions; and the factor of private landowners who are subjected to military restrictions" (IL POPOLO, 29 October 1976).

The military establishment and the civilians definitely must "learn to talk to each other rationally" (Strassoldo, op. cit., p 539); they must institute what the author calls the "open model," made up of reciprocal knowledge and good relations. Here is what that means specifically: for the civilians, it means accepting "disturbances"; for the military, it means keeping them down as much as possible and paying for them.

In this connection there is one item that is very hopeful and that is Law No 898, approved by all political forces, constituting a text that was widely coordinated between civilians and the military.

There are three main reasons that justify this hope.

The first one is not only of a formal nature and is represented by the disappearance of the word "easement" from the text of the law (with the exception of the title which reads "New Regulation on Easements"). We are now talking in terms of "limitations" and "prohibitions" which psychologically likewise are less reminiscent of medieval remnants.

The second consists of the involvement of the regions as the effective conversation partners of the military establishment, within the sphere of the mixed parity committees" designed to coordinate the various requirements. Here we have had more disagreement than agreement, as was to be assumed, but the dialogue has been started.

The third can be seen in the obligation placed upon the military to proceed to periodic revisions of the limitations and annually to indemnify private individuals and communities for the damage they suffer.

But we can above all be hopeful because of the concrete results already achieved in those regions which, fully aware of the problem, have enabled the mixed parity committees to work. In this sense, 2,348 hectares have been released, on top of 17,410 which were released on the initiative of the military administration itself immediately after the new law became effective.

These results are shown not only in the table but also in Graph D.

We thus have concrete results, in spite of the uncertainty and, in some cases, in spite of the absence of administrative regions which, although they had supported the new legislation, did not nominate their own representatives to the various mixed pariety committees (Table 1) at the time the law took effect, thus delaying and in some case paralyzing the pertinent activities.

Generally speaking, we can reasonably hope that, as was actually done, that the problem can be said to have been resolved, at least in its most visible terms, the day we have achieved an effective balance between the strictly necessary limitations and the objectively evaluated compensation.

FIGURE APPENDIX

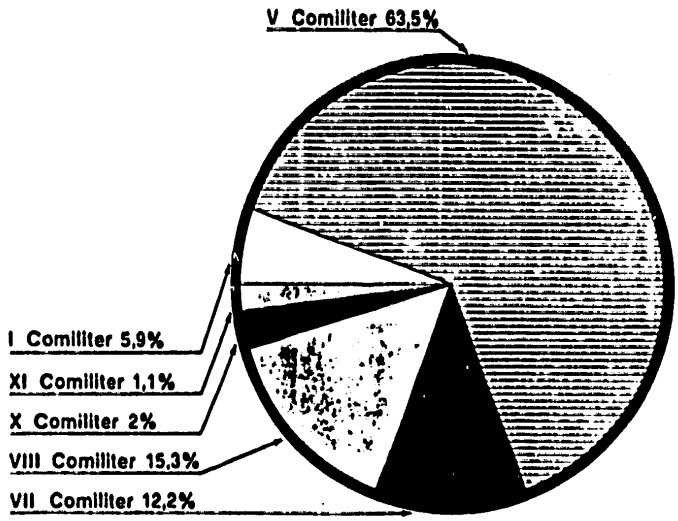
Comando Militare territoriale di Regione Militare 1)	Superficie asservita al 1° gennaio 1975 2)	3) Superficie liberalizzata				5) Superficie asservita attuale	6) Liberalizzazione (% sulla superficie asservita al 1° gennaio 1975)
		4) nel 1976	4) nel 1977	4) nel 1978	Totale		
I	4.405	192	608	—	801	3.604	18
V	56.702	16.767	209	1.324	18.300	38.402	32,3
VII	7.373	—	107	—	107	7.266	1,5
VIII	9.506	180	90	—	207	9.238	2,8
X	1.202	—	9	—	9	1.193	0,7
XI	1.002	271	—	—	271	731	27
Totale	80.192	17.410	1.024	1.324	19.758	60.434	24,6

Situation of of Areas Allocated to Army for Its Use (Hectares); Surface Covered by Military Easements Accounts for 0.2 Percent of National Territory
Key: 1--Military territorial command of military region; 2--Surface area covered by military easements as of 1 January 1975; 3--Surface area realeased; 4--In; 5--Current surface area covered by military easements; 6--Release (% out of surface covered by military easements as of 1 January 1975).

Graph A. Militarily Important Communities in the Interior, Coastal Communities, Coastal Zones, Island (Law No 886 of 1 June 1931 and Successive Variations).

Graph B. Militarily Important Communities of the Interior, Coastal Communities, Coastal Zones, Island (Law No 898 of 24 December 1976).

Graph C. Percentage of Areas Covered by Military Easements in Each Territorial Military Region. Percentage figures are related to national territory. Comiliter--military territorial command.



Graph D. Percentage Distribution among the Military Territorial Commands of the Total Areas Covered by Military Easements and of Interest to the Army (60,434 Hectares). Comiliter--military territorial command.

Table 1

1) Comitati Misti Paritetici	2) Data di costituzione prevista dalla legge	3) Data di nomina dei membri: 4) Militari	3) Data di nomina dei membri: 5) Civili	6) Data della 1ª riunione	7) Numero riunioni tenute: 8) D'iniziativa dei militari	7) Numero riunioni tenute: 9) D'iniziativa dei civili
Val d'Aosta 18)	10) febbraio 1977	11) ago. '77	10) febbraio 1977	—	—	—
Piemonte		12) mag. '77		9 gen. '78	4	—
Liguria		apr. '78		6 giu. '78	2	—
Lombardia		11) ago. '78		20 set. '78	1 (*)	—
Trento		13) lug. '77		26 lug. '77	1	—
Bolzano		mar. '78		12 mag. '78	2	—
Veneto		14) gen. '78		27 gen. '78	4	—
Friuli-Venezia Giulia		15) giu. '77		5 lug. '77	10	—
Emilia		nov. '77		1 mar. '78	5	—
Toscana 19)		16) set. '77		7 apr. '78	5	1
Marche		ago '77		23 mag. '78	2	—
Umbria		set. '77		25 mag. '78	2	—
Lazio		—		—	—	—
Abruzzi		—		10 ott. '78	1 (*)	—
Sardegna 20)		apr. '77		1 feb. '78	5 (**)	—
Molise		17) dic '77		31 mar. '78	1	—
Campania		13) lug '78		13 lug '78	3	—
Puglie		nov '77		7 nov '77	3	—
Basilicata		apr. '78		13 apr. '78	1	—
Calabria		ago '78		23 set. '78	1	—
Sicilia 21)		ago. '77		10 ago '77	3	—
Totale					56	1

Key: 1--Mixed parity committees; 2--Date of constitution provided for by law; 3--Date of appointment of members; 4--Military; 5--Civilian; 6--Date of first meeting; 7--Number of meetings held; 8--On military initiative; 9--On civilian initiative; 10--February; 11--August; 12--May; 13--July; 14--January; 15--June; 16--September; 17--December; 18--Piedmont; 19--Tuscany; 20--Sardinia; 21--Sicily; (*) [illegible in photostat] civilian representatives; (**) Including one [illegible in photostat] civilian representatives.

FOOTNOTES

1. There is a study on that score by the constitutional law expert Professor Livio Paladin, entitled "Ricerca sulle servitu militari nell'ordinamento giuridico italiano" [Research on Military Easements in the Italian Legal System]. We are making reference to it here in our statements below.

2. In this connection, the reader is referred to Raimondo Strassoldo, "Sviluppo regionale e difesa nazionale" [Regional Development and National Defense], pp 447 ff., Lint, Trieste, 1972. This is an important book in an in-depth study for many problems of military sociology.

3. The constitution recognizes property rights; but it does contemplate limitations upon its exercise in the interst of the community as a whole and without compensation; it also allows expropriation--with compensation -- for reasons of general interest. Hence, the controversy after the ruling handed down by the Constitutional Court: why should military easement requirements ever involve compensation whereas those imposed by other government agencies (ancient architecture and fine arts, water adminiatration, etc.) do not provide for such compensations? There has never been any satisfactory answer to that question.

4. This standard generalizes and confers legal status to a "mixed working group" established in 1970 on the level of the region of Friuli-Venezia Giulia, V Military Territorial Command. In the judgment of both civilians and military personnel, this group has done a good job during its approximately 30 officially held meetings over a period of 6 years of existence. In particular it helped resolve numerous controversies on the local level, to elevate the tone of the debate on common problems, and to provide a noteworthy contribution of ideas and experiences in drafting the text of the law we are talking about here.

5. Military authorization is required throughout national territory, for any major new projects (roads, superhighways, railroads, dams, big industrial installations or warehouses, methane [gas] pipelines, etc); it is evident that these projects do not involve the individual but rather huge private or government or community complexes; in militarily important communities (Tables A, B, and C, attached to the law) in order to put up even modest projects, such as housing units, the use of underground caves, etc.

6. Article 1, Law No 382 of 11 July 1978, "Basic Standards of Military Discipline" has this to say: "The armed forces are in the service of the republic; their setup and their activities are based on constitutional principles. It is the mission of the army, the navy, and the air force, in accordance with the oath taken and in obedience to orders received, to assure the defense of the fatherland and to contribute to the safeguarding of free institutions and the well-being of the national community in the case of public calamities."

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